

REMARKS

This Response responds to the Office Action dated March 23, 2005 in which the Examiner rejected claims 1, 4-6, 9-10 and 13 under 35 U.S.C. §102(e), rejected claims 2, 7 and 11 under 35 U.S.C. §103 and objected to claims 3, 8 and 12 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Attached to this Amendment is an Information Disclosure Statement and fee.

Claim 1 claims an image processing apparatus, claim 6 claims an image processing program and claim 10 claims an image processing method. The apparatus, program and method include selecting one of at least two color information files according to brightness of image data and externally sending the selected color information file by attaching the file to the image data.

Through the structure, program and method of the claimed invention selecting a file according to brightness of image data as claimed in claims 1, 6 and 10, the claimed invention provides an image processing apparatus which allows high-precision color conversion. The prior art does not show, teach or suggest the invention as claimed in claims 1, 6 and 10.

Claims 1, 4-6, 9-10 and 13 were rejected under 35 U.S.C. §102(e) as being anticipated by *Kumada* (U.S. Patent No. 6,829,058).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. §102(e). The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

Kumada appears to disclose to a network server which communicates with a network terminal through a network. (col. 1, lines 9-11) As shown in FIG. 3, the network system is composed of a network terminal 1, a network server 3 and a network printer 4, and a network 2 to which these three devices are connected. (col. 4, lines 37-40) FIGS. 4 to 6 are flow charts showing a process wherein, in case of displaying a text on the network terminal 1, if an image file exists in the text, a color matching process on image data in the image file is performed by the network server 3 in accordance with the characteristic of the monitor of the network terminal 1, and the processed data is displayed on the monitor of the network terminal 1. (col. 4, lines 59-65) In the step S106, it is checked whether or not a user instruction designates the scanner. If it is indicated that the user instruction does not designate the scanner, the flow advances to the step S101 to display the text data without performing any matching process and then terminate the process. This is the case where the user can not specify or identify the scanner which read the image data. If the user instruction designates the scanner in the step S106, the flow advances to a step S107. This is the case where the user can specify or identify the scanner which read the image data. In the step S107, a list of selectable scanner profiles in the profile storage unit 32 of the network server 3 is displayed on the monitor of the network terminal 1 as shown in FIG. 20. Then, the flow advances to a step S108. In the step S108, the user selects one scanner profile from the list, and the flow advances to a step S109. (col. 5, lines 18-35) FIGS. 7 to 9 are flow charts showing a process wherein, in case of printing the text by using the network printer 4, the color matching process on the data in the text is performed at the network server 3 in accordance with the characteristic of the network printer 4 and then the processed

data is outputted to the network printer 4. In a step S200, it is checked whether or not the image file exists in the text to be printed. If the image file does not exist, it can be considered that all the data in the text were formed on the monitor, whereby the color matching process is performed between the monitor of the network terminal 1 and the network printer 4. In this case, the flow advances to a step S201 to cause the server to obtain the monitor profile of the monitor of the network terminal 1. The obtained profile is held (or stored) in the network server 3, and then the flow advances to a step S202. In the step S202, it causes the network server 3 to obtain the printer profile of the network printer 4. The obtained profile is held in the network server 3, and then the flow advances to a step S203. In the step S203, it causes the network server 3 to obtain the CMM used for the process from the CMM storage unit 31. The obtained CMM is held in the network server 3, and then the flow advances to a step S221. If the image file exists in the step S200, the flow advances to a step S204 to check whether or not the profile is being added to the image file. If the profile is being added, the flow advances to a step S205 to obtain the device profile, and then the flow advances to a step S206. This profile is the profile for the scanner, the monitor or the like, and is handled as the source profile. (col. 6, lines 18-49) On the other hand, if it is instructed to designate the scanner in the step S208, the flow advances to a step S210. This is the case where the user can specify the scanner which read the image data. In the step S210, the list of the selectable scanner profiles in the profile storage unit 32 of the network server 3 is displayed on the monitor of the network terminal 1, and the flow advances to a step S211. In the step S211, the user selects one scanner profile from the list, and the flow advances to a step S212. (col. 7, lines 3-12)

Thus, *Kumada et al.* merely discloses a user selects one scan profile from a list (col. 5, lines 34-35, col. 7, lines 11-12). Nothing in *Kumada* shows, teaches or suggests selecting one of at least two color information files according to brightness of image data as claimed in claims 1, 6 and 10. Rather, *Kumada* merely discloses a user selecting a scanner profile from a list.

Since nothing in *Kumada* shows, teaches or suggests selecting one of at least two color information files according to brightness of image data as claimed in claims 1, 6 and 10, Applicant respectfully requests the Examiner withdraws the rejection to claims 1, 6 and 10 under 35 U.S.C. §102(e).

Claims 4-5, 9 and 13 depend from claims 1, 6 and 10 and recite additional features. Applicant respectfully submits that claims 4-5, 9 and 13 would not have been anticipated within the meaning of 35 U.S.C. §102(e) by *Kumada* at least for the reason as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 4-5, 9 and 13 under 35 U.S.C. §102(e).

Claims 2, 7 and 11 were rejected under 35 U.S.C. §103 as being unpatentable over *Kumada* in view of *Shu* (U.S. Patent No. 5,517,335).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. §103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Kumada* shows, teaches or suggests the primary features as claimed in claims 1, 6 and 10, Applicant respectfully submits that the combination of the primary reference with the secondary reference to *Shu* will not overcome the deficiencies of the primary reference. Therefore, Applicant

respectfully requests the Examiner withdraws the rejection to claims 2, 7 and 11 under 35 U.S.C. §103.

Since objected to claims 3, 8 and 12 depend from allowable claims, Applicant respectfully requests the Examiner withdraws the objection thereto.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

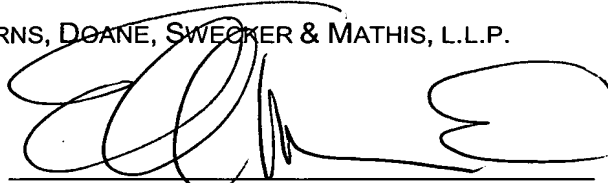
If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge
our Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

A handwritten signature in black ink, appearing to read 'Ellen Marcie Emas', written over a horizontal line.

Date: June 13, 2005

By:

Ellen Marcie Emas
Registration No. 32,131

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620